IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15072 of 2004

Between:

Sohailuddin Farooqui, S/o Md. Ashimuddin,
Near Overseas Bank, Rajbhavan Road,

Hyderabad

..... PETITIONER

AND

1 Government of Andhra Pradesh,

rep.by Principal Secretary, Home (Arms) Department
A.P. Secretariat, Hyderabad.
2 The Commissioner of Police,

Hyderabad City, Hyderabad.
3 The Deputy Commissioner of Police,

West Zone, Saifabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction more particularly one in the nature of Mandamus declaring the order in LR. No. 444/Arms/2003-8 dated 11-8-2004 of the 1st respondent confirming the order No. Lic943/Panjagutta, dated 31-3-1997 of the 2nd respondent as highly illegal arbitrary and consequently set aside the same.

Counsel for the Petitioner: MR.D.V.NAGARJUNA BABU

Counsel for the Respondents: G.P. FOR HOME

The Court made the following:

ORDER:

Petitioner states that he is a renowned rifle shooter and he held Arms Licence in respect of three weapons. However, his Arms Licence was cancelled by the second respondent by order dated 31-03-1997 on the ground that he is involved in certain criminal cases. Against the said order of the second respondent, the petitioner preferred an appeal under Section 18 of the Arms Act, 1959 before the first respondent. During the pendency of the said appeal, having conducted the investigation into the alleged offences, the Karnataka Police filed charge-sheets and the same were taken cognizance by the Judicial First Class Magistrate, Chincholi, Karnataka State, in C.C.Nos.453 and 583 of 1997. Thereafter, the applications filed by the petitioner to discharge him from the alleged offences though initially were dismissed by the Judicial First Class Magistrate, ultimately the two Revision Petitions filed by the petitioner were allowed by the High Court of Karnataka. By virtue of the order of the High Court of Karnataka in Criminal Revision Petition Nos.888 and 889 of 2001, dated 14-09-2001, the petitioner has been discharged of the offences. Thereafter, the petitioner has brought to the notice of the first respondent by his letters dated 08-03-2004 and 12-06-2004 about his acquittal in criminal cases and requested to renew his Arms Licence expeditiously so as to enable him to participate in the State Shooting Championship Meet likely to be held shortly. However, the first respondent passed an order on 11-08-2004, which runs as

under:

> "I am directed to inform you that the petition for renewal of Cancelled Arms License No.943/Panjagutta is dismissed as the case against you is pending trial at JMFC Court, Chincholi C.C.No.453/97."

The said order is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home appearing for the respondents.

The learned counsel for the petitioner contends that the impugned order dated 11-08-2004 on the face of it is erroneous and cannot be sustained since the first respondent failed to take into consideration the fact that the petitioner is discharged of the alleged offences in both CC Nos. 453 and 583 of 1997. He placed before this Court an order of the High Court of Karnataka, dated 14-09-2001 in Crl.R.P.No.888 of 2001, and Crl.R.P.No.889 of 2001, which were allowed and by which the petitioner has been discharged of the offences concerned. Obviously, the impugned order has been passed without taking into consideration the fact that the petitioner has already been discharged of the alleged offences.

In the circumstances, the impugned order dated 11-08-2004 is set aside and the Writ Petition is disposed of with a direction to the first respondent to consider the request of the petitioner in his letters dated 08-03-2004 and 12-06-2004 and pass appropriate orders afresh in accordance with law, keeping in view the fact that the petitioner has been discharged of the alleged offences by virtue of the order of the High Court of Karnataka in Crl.R.P.Nos.888 and 889 of 2001 as expeditiously as possible preferably within a period of one week from the date of receipt of this order. There shall also be a direction to the respondents 2 and 3 to consider and pass appropriate orders with regard to the request of the petitioner for renewal of his licence, in the light of the observations made above.

The Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J

25th August, 2004

Note: Issue CC by tomorrow

B/o

lsn/Gbs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Principal Secretary,

Government of Andhra Pradesh, Home (Arms) Department,
A.P. Secretariat, Hyderabad.
2 The Commissioner of Police,

Hyderabad City, Hyderabad.
3 The Deputy Commissioner of Police,

West Zone, Saifabad, Hyderabad.

4. Two CCs to the G.P. for Home, High Court Buildings, Hyderabad (OUT).

5. Two CD copies